



## Filing Receipt

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**DOCKET NO. 52531**

<b>PETITION OF E REAL ESTATE, LLC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO AMEND MARILEE SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT'S CERTIFICATE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN COLLIN COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE (TRACT 4)</b>	<b>§</b>	

**COMMISSION STAFF'S REVISED FINAL RECOMMENDATION**

**I. BACKGROUND**

On September 8, 2021, E Real Estate, LLC (E Real Estate) filed a petition for streamlined expedited release from Marilee Special Utility District's (Marilee SUD) water Certificate of Convenience and Necessity (CCN) No. 10150 under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). E Real Estate asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, which is a qualifying county. On October 1, 2021, Marilee Special Utility District filed a motion to intervene. On November 4, 2021, December 13, 2021, and February 18, 2022, E Real Estate filed supplemental information.

On September 28, 2022, the administrative law judge (ALJ) filed Order No. 9, establishing a deadline of October 25, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a revised final recommendation. Therefore, this pleading is timely filed.

**II. REVISED FINAL RECOMMENDATION**

Staff has reviewed the petition and supplemental information and, as supported by the attached memorandum of Patricia Garcia of the Infrastructure Division, recommends denial of the petition. Staff's review indicates that E Real Estate is receiving active water service. In accordance with TWC § 13.2541 and 16 TAC § 24.245(h) therefore, E Real Estate has not met the Commission's requirements to allow for the release of the tract of land from Marilee SUD's CCN No.10150. Thus, Staff respectfully recommends denial of the petition.

### III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that E Real Estate's petition be denied.

Dated: October 24, 2022

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Keith Rogas  
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/s/ Phillip Lehmann

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#### **CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on October 24, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann

Phillip Lehmann

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

**FROM:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** October 25, 2022

**RE:** Docket No. 52531 – *Petition of E Real Estate LLC to Amend Marilee Special Utility District's Water Certificate of Convenience and Necessity in Collin County by Expedited Release*

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On September 8, 2021, E Real Estate LLC (E Real Estate) filed a petition for streamlined expedited release (SER) from Marilee Special Utility District's (Marilee SUD) water Certificate of Convenience and Necessity (CCN) No. 10150 in Collin County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). E Real Estate asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, which is a qualifying county.

E Real Estate provided a warranty deed confirming ownership of the tracts of land within Marilee SUD's certificated service area. In addition, E Real Estate submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Marilee SUD requested to intervene.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined that the petitioner's tract of land requested for streamlined expedited release is approximately 486.85 acres, of which approximately 485 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from (CCN No. 10150).

Marilee SUD provided documentation stating plans for new facilities are in place to serve growth in the vicinity of the property and has other planning efforts to ensure its water system continues to meet the needs of its certificated service area. Upon further review of the documentation provided by Marilee SUD<sup>1</sup>, as requested by the Administrative Law Judge in Order No. 10, Staff finds that there are three active meters within the E Real Estate's tract of

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<sup>1</sup> Marilee Special Utility District's Verified Response to Petition of E Real Estate, LLC to Amend Certificate of Convenience and Necessity in Collin County by Expedited Release (Aug. 15, 2022).

land. Other meters shown in the map provided by Marilee SUD<sup>2</sup> have been carved out of the tract of land, however meters 77, 315, and 360 are still located inside the tract of land. Marilee SUD provided Customer Detail for accounts 77 and 360 which indicate a July 19, 2022 read date and a July 5, 2022 last pay date. The Customer Detail page also shows usage for these accounts from November 2021 to January 2022 which is after the petition was submitted. This proves that the meters were in service while this petition was in process.

Based on the information described above, the Petitioner, is indeed receiving active water service, and in accordance with TWC § 13.2541 and 16 TAC § 24.245(h), E Real Estate has not met the Commission's requirements to allow for the release of the tract of land from Marilee SUD's CCN No.10150. Therefore, I recommend denial of the petition as filed at this time. E Real Estate may wish to submit revised mapping that excludes the meters receiving service from Marilee SUD in order for Staff's consideration and review of the eligibility of the tract of land for streamlined expedited release.

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<sup>2</sup> *Id.*